



Wireless
Infrastructure
Association

October 2, 2019

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Notice of *Ex Parte* Presentation, Wireless Telecommunications Bureau and Wireline Competition Bureau Seek Comment on WIA Petition for Rulemaking, WIA Petition for Declaratory Ruling, and CTIA Petition for Declaratory Ruling, WT Docket No. 19-250, RM-11849; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84; Commission Opens Docket for Proposed Transfer of Control of Sprint Corporation to T-Mobile US, Inc., WT Docket No. 18-197; Accelerating Broadband Deployment, GN Docket No. 17-83.

Dear Ms. Dortch:

The Wireless Infrastructure Association (WIA),¹ pursuant to Section 1.1206 of the Federal Communications Commission's rules,² hereby provides notice regarding a series of meetings between WIA staff, members of WIA's Board of Directors, and the Commission's leadership.

On September 30, 2019, the undersigned and Jonathan Adelstein, President and CEO of WIA; Todd Boyer, Chief Executive Officer of TowerCo, LLC; Jay A. Brown, President and Chief Executive Officer of Crown Castle International; and Thomas A. (Tam) Murray, Founder & Managing Member, Community Wireless Structures, met with Chairman Pai and Michael Carowitz, Special Counsel to the Chairman.

On October 1, 2019, the undersigned and Mr. Adelstein of WIA; David E. Weisman, Chairman of WIA's Board of Directors and President & Chief Executive Officer of InSite Wireless Group, LLC; Mr. Boyer; Mr. Brown; Ed Farscht, Chief Executive Officer of

¹ The Wireless Infrastructure Association (WIA) is the principal organization representing companies that build, design, own, and manage telecommunications facilities throughout the world. WIA's members include infrastructure providers, carriers, and professional services firms.

² 47 C.F.R. § 1.1206.

Diamond Communications; Daniel Marinberg, Senior Vice President and General Counsel of Vertical Bridge Holdings L.L.C.; Mr. Murray; and Jeffrey A. Stoops, President & Chief Executive Officer of SBA Communications Corporation, met with Commissioner Starks and William Davenport, Chief of Staff & Senior Legal Advisor for Wireless and International.

On October 2, 2019, the undersigned and Mr. Adelstein of WIA; Mr. Weisman; Mr. Boyer; Mr. Brown; Mr. Farscht; Alex Gellman, CEO and Co-Founder of Vertical Bridge Holdings L.L.C.; Mr. Murray; and Mr. Stoops had a series of meetings. First, the participants listed above met with Commissioner Carr and Will Adams, Legal Advisor. Second, the participants listed above and Staci Pies of Crown Castle met with Commissioner O’Rielly and Erin McGrath, Legal Advisor, Wireless, Public Safety and International; however, Mr. Brown did not attend that meeting. Finally, the undersigned, Mr. Adelstein, Ms. Pies, Mr. Boyer, Mr. Farscht, and Mr. Murray met with Commissioner Rosenworcel and Umair Javed, Legal Advisor, Wireless and International.

At all of the meetings, WIA and members of its Board of Directors thanked the Commissioners and their staffs for their diligent work in streamlining siting rules to promote 5G deployments. In particular, the participants discussed WIA’s Petition for Declaratory Ruling and Petition for Rulemaking, which have been consolidated into the proceeding mentioned above. These petitions present the Commission with the opportunity to take another important step to accelerate the deployment of next generation networks that will improve connectivity, promote jobs and economic growth, ensure the United States’ competitive posture in the race to 5G, and support public safety operations, especially FirstNet.

The petitions call for harmonizing the Commission’s rules to allow for limited expansions of the compound when replacing or collocating new equipment on the existing tower, which will improve public safety operations. The participants described how FirstNet is expanding to improve coverage and capacity, relying heavily on collocating on existing wireless sites. Indeed, Congress required FirstNet to collocate on existing infrastructure “to the maximum extent economically desirable” in order “to speed deployment of the network.”³ Expanding the compound up to thirty feet would permit the installation of critical equipment like backup generators. However, many FirstNet deployments are held up by municipalities or the inability to expand the compound to accommodate new equipment. At all meetings, Mr. Murray of Community Wireless Structures presented an example of a site where his company is considering expanding a compound to accommodate additional equipment that could support FirstNet or provide backup power, but the current rules would not allow for this

³ Middle Class Tax Relief and Job Creation Act of 2012 (“Spectrum Act”), Pub. L. No. 112- 96, 126 Stat. 156, 232-33 § 6206(b)(1)(C) (2012) (codified at 47 U.S.C. § 1455(a)).

expansion.⁴ Mr. Murray presented two blueprints of the existing site and the plans to expand that compound, which are included with this filing.

During the meetings, members of WIA's Board of Directors explained the successes that their companies have achieved in supporting next generation networks; however, participants also described the roadblocks they often face and how these petitions could provide relief. In particular, WIA members continue to face regulatory hurdles when applying for Eligible Facilities Requests (EFRs) under Section 6409 of the Spectrum Act.⁵ WIA members explained that most local governments around the U.S. have been helpful and are working with industry to ensure that their constituents can benefit from better broadband connections.

Section 6409 was enacted to promote collocations on existing, wireless structures that have already been zoned and permitted for that purpose. This statute and the Commission's rules implementing it have been upheld by the Fourth Circuit, which explained, "the point of the 'deemed granted' provision is to ensure that collocation applications are not mired in the type of protracted approval processes that the Spectrum Act was designed to avoid."⁶ However, there are some, as detailed in WIA's petitions, that are unfamiliar with the Commission's rules or have found ways to work around them, which contradicts Congress' goals when it enacted Section 6409. The efforts are having a real impact, significantly delaying or outright blocking deployments that are needed to upgrade networks and provide better connections for consumers, businesses, and community groups around the country. However, the Commission could remove these roadblocks because it has ample authority under the Administrative Procedure Act⁷ to clarify its rules by declaratory ruling in order to relieve ambiguities and to remove uncertainty that has developed since the Commission promulgated its rules implementing Section 6409 in 2014.⁸

In addition to the discussions about the WIA petitions and a recent meeting of the Broadband Deployment Advisory Committee (BDAC),⁹ attendees discussed continued investment in deploying networks and other challenges facing the wireless industry, including a resolution of the merger between Sprint and T-Mobile.

⁴ If allowed by the Commission's rules, this compound expansion could also be used to house equipment that could help with 5G upgrades, like small cell hubs, and edge data centers.

⁵ Spectrum Act § 6409(a) (2012) (codified at 47 U.S.C. § 1455(a)).

⁶ *Montgomery Cnty. v. Fed. Commc'ns Comm'n*, 811 F.3d 121, 128 (4th Cir. 2015).

⁷ See 5 U.S.C. § 554(e) (2012) (stating that an agency "may issue a declaratory order to terminate a controversy or remove uncertainty"); see also 47 C.F.R. § 1.2(a).

⁸ *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, Report and Order, 29 FCC Rcd 12865 (2014).

⁹ *Broadband Deployment Advisory Committee*, FED. COMM'NS COMM'N (Sept. 19, 2019), <https://www.fcc.gov/news-events/events/2019/09/broadband-deployment-advisory-committee-meeting-september-2019>.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS. Please do not hesitate to contact the undersigned with any questions.

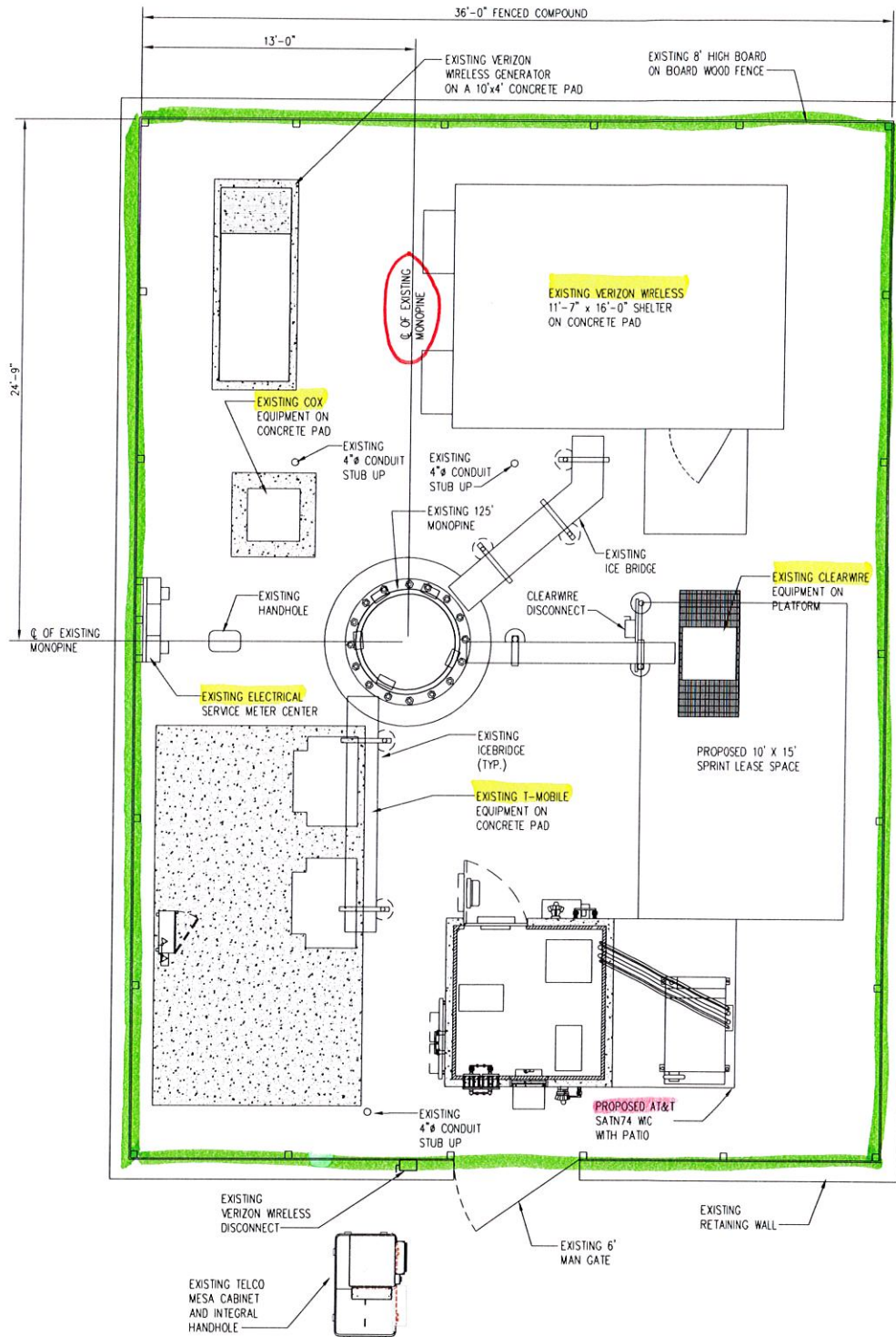
October 2, 2019

Respectfully submitted,

/s/ John A. Howes, Jr.
Government Affairs Counsel

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cc: Chairman Ajit Pai
Commissioner Mike O'Rielly
Commissioner Brendan Carr
Commissioner Jessica Rosenworcel
Commissioner Geoffrey Starks
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William Davenport
Will Adams
Erin McGrath
Umair Javed



COMPOUND PLAN

SCALE: 1/8"=1'-0"



TRUE NORTH

SUBMITTALS

DATE	DESCRIPTION	REV.
XX-XX-XX	LEASE EXHIBIT REVIEW	



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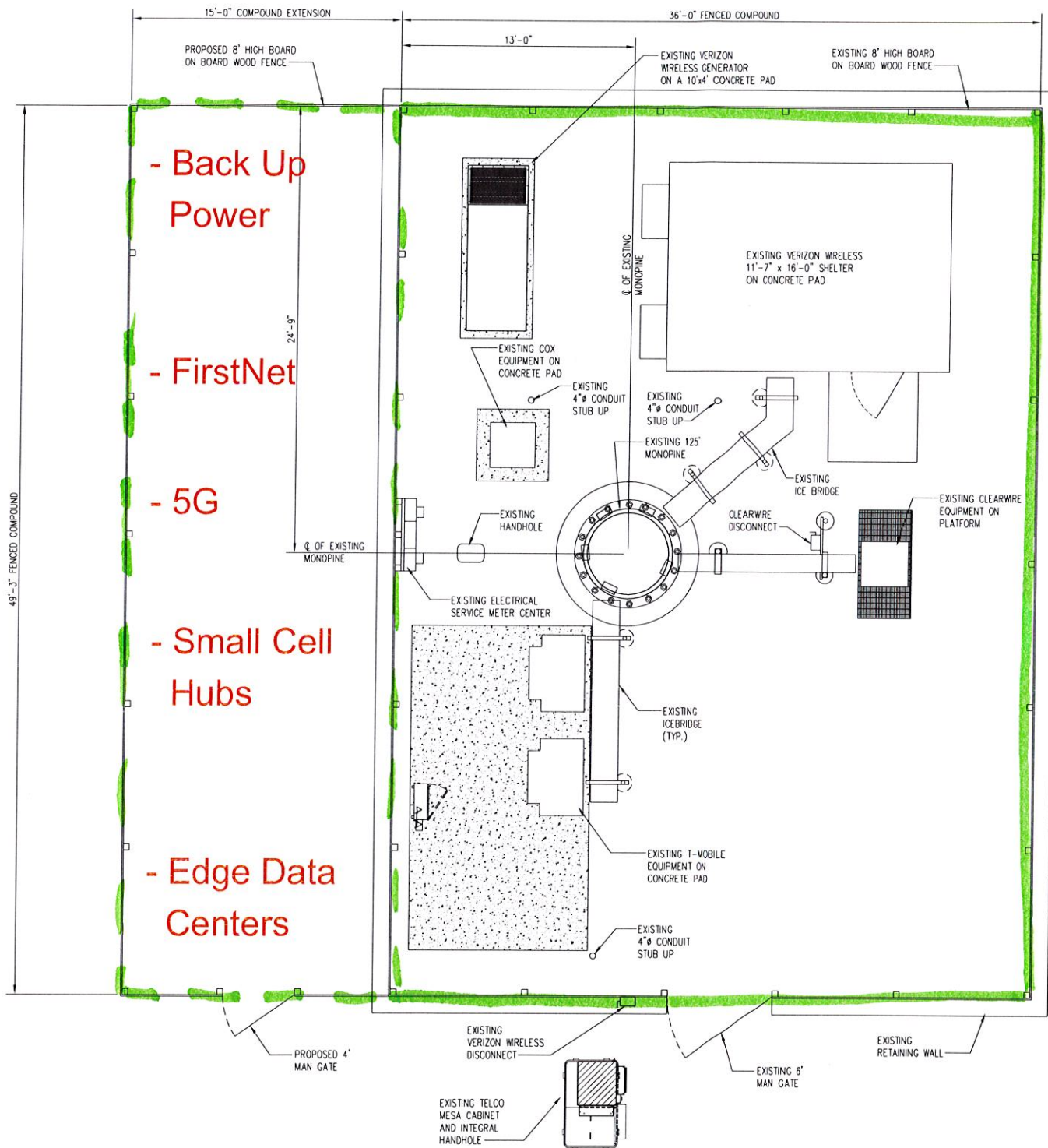
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1094.018

SHEET 2 OF 2

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COMPOUND PLAN
SCALE: 1/8"=1'-0"



SUBMITTALS		
DATE	DESCRIPTION	REV
08-29-18	LEASE EXHIBIT REVIEW	



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SHEET 2 OF 2

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